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4 **UNITED STATES DISTRICT COURT**  
5 **DISTRICT OF NEVADA**

6 UNITED STATES OF AMERICA, )  
7 Plaintiff, ) Case No. 2:17-cr-153-HDM-GWF  
8 vs. ) **ORDER**  
9 )  
10 DEAN ANTHONY CARTER, )  
11 Defendant. )  
12 \_\_\_\_\_

13 This matter is before the Court on the Government's Motion to Strike (ECF No. 19), filed on  
14 June 13, 2017. Defendant filed his Response (ECF No. 22) on June 27, 2017. The Government filed  
15 its Reply (ECF No. 23) on July 5, 2017.

16 The Government requests that the Court strike Defendant's Notice of Assertion of Right to be  
17 Present in Court Unshackled (ECF No. 16) as improperly filed. The Court construes Defendant's  
18 filing as a notice of an assertion of his right to not be shackled or placed in other physical restraints  
19 during any pretrial hearing. Trial is set for December 5, 2017. This matter is not set for hearing on  
20 any pretrial motions. The Court, therefore, denies the Government's motion as premature.  
21 Accordingly,

22 **IT IS HEREBY ORDERED** that the Government's Motion to Strike (ECF No. 19) is  
23 **denied.**

24 DATED this 14th day of August, 2017.

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27 GEORGE FOLEY, JR.  
28 United States Magistrate Judge